

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**GREGORY D. NUNNALLY**

**Plaintiff,**

**VS.**

**Warden DANFORTH, et. al.**

**Defendants**

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**NO. 7:12-CV-095-HL-TQL**

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**ORDER**

Plaintiff **GREGORY D. NUNNALLY** has filed a Motion to Proceed *in forma pauperis* on Appeal (Doc. 46) from this Court's Order (Doc. 39) dismissing his Complaint. In the Court's best judgment, an appeal from this Order cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). For the same reason, and because of the lack complexity or novelty of the issues on appeal, Plaintiff's Motion for the Appointment of Counsel on appeal (Doc. 44) is also **DENIED**. See Poole v. Lambert, 819 F.2d 1025, 1028 (11th Cir. 1987); Jones v. Brown, 518 F. App'x 643, 644 n.1 (11th Cir. 2013).

If Plaintiff wishes to proceed with his appeal *pro se*, he must pay the entire \$ 455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$ 455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to

Plaintiff's account until the \$ 455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$ 10.00 until the total filing fee of \$455.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is presently incarcerated. Any further requests to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

**SO ORDERED**, this 18<sup>th</sup> day of November, 2013.

*s/ Hugh Lawson*  
HUGH LAWSON, JUDGE  
UNITED STATES DISTRICT COURT

jlr